

Remarks

With respect to prosecution of the present application, it is presumed that the Examiner has access to the file of parent application, 08/167,881, now U.S. Patent 5,773,450. The Examiner is welcome to contact the undersigned concerning provision of any documents from this file, or other files, if deemed needed herein.

The present claims are limited to pharmaceutical compositions and methods of treatment pertaining to compounds that are the subject matter of the allowed claims of the '450 patent. Essentially, all of the issues of prior art and double patenting that the Examiner has raised herein were either addressed in that file, or are similarly obviated by the narrowing of subject matter provided by the present amendments.

Attention is particularly drawn to the Declaration under Rule 132 of Dr. John Lowe, the inventor herein, submitted July 1, 1997 during prosecution of the 08/167,881 application. Patentability of the claims of that application, and this application, depend in large measure on the inventive recognition of the value of (C<sub>1</sub>-C<sub>10</sub>) alkoxy groups, substituted with from one to three fluorine atoms, at X<sup>1</sup>, X<sup>2</sup>, X<sup>3</sup> and as a substituent in R<sup>6</sup>.

A careful examination of the Walker et al. Abstract, the Tchelitcheff Abstract, and U.S. Patent 5,232,929 (Desai), indicate no disclosure related to this functional group. Although fluoroalkoxy groups are mentioned in the Rosen patent (US 5,686,615), such disclosure is not present in the priority document therefor (application 675,244, filed March 26, 1991), and therefor Rosen is not a reference against the present application.

Applicant agrees to file a Terminal Disclaimer herein, over the parent 08/167,881 application, upon indication of allowability. All other double patenting issues are believed obviated by the substantial narrowing of claimed subject matter effected by the amendments submitted herewith, also in view of Applicant's disclosure of fluoroalkoxy moieties as R groups.

Conclusion

A Petition for Extension of Time (five months) is attached in duplicate. No fees for claims are believed due in view of the number previously paid for (32) and that only 3 independent claims are now pending. However, the Patent Office is authorized to charge any fee needed for the acceptance of all papers submitted herewith to **Deposit Account 16-1445**.

The Examiner is welcome to contact the undersigned in order to facilitate prosecution herein. As aforementioned, Applicants can provide copies of application documents, Office Action responses, and the like, from other cases that may no longer be readily available at the Patent Office.

Respectfully submitted,

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